

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

CARTY S. CHANG
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DANIEL S. QUINN
INTERIM FIRST DEPUTY

W. ROY HARDY
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
CARTY S. CHANG
Interim Chairperson**

**Before the House Committees on
OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS
and
WATER & LAND**

**Friday, March 27, 2015
10:30 AM
State Capitol, Conference Room 325**

**In consideration of
HOUSE CONCURRENT RESOLUTION 141/HOUSE RESOLUTION 84
REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND
THE COUNTIES TO PROVIDE REASONABLE ACCOMMODATIONS FOR
DISABLED PERSONS TO ACCESS BEACHES**

House Concurrent Resolution 141/House Resolution 84 requests that the Department of Land and Natural Resources (Department) and the counties that maintain beach transit corridors to provide reasonable accommodations for access to the shoreline for persons with a disability at any beach that has a public restroom facility and is within an ocean recreation management area. **The Department appreciates the intent of these resolutions and respectfully offers the following comments to provide beach access for people with disabilities.**

The Department is committed to provide people with disabilities access to its programs and services. In 2011, the Department completed its transition plan and closed the Department of Justice's Consent Decree in Federal Court. Construction documents for the Department's facilities continue to be reviewed by the Disability Communication Access Board (DCAB) Facility Access Unit for compliance with the Americans with Disabilities Act Accessibility Guidelines (ADAAG). This includes all the beach parks within the Department's authority.

The current ADAAG does not provide scoping and technical requirements for accessible beach access. The DCAB formed a working group, consisting of representatives from the Department and the four counties, to propose accessibility guidelines for the outdoor developed area, which included beach access. During the workgroup discussions, beach access presented a multitude of concerns and a realization of the numerous and complexity of technical requirements to consider.

The workgroup voted to defer beach access scoping and technical requirements until another time.

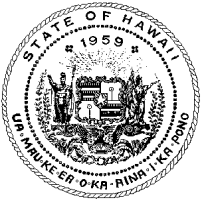
The Department defers to DCAB to adopt guidelines, under Section 348F-3(1), Hawaii Revised Statutes, which will establish scoping and technical requirements to achieve access for people with disabilities, with considerations for the unique natural environments, conditions, restrictions, and terrain of Hawai'i.

The Department requests that the language of these resolutions be clarified to prevent unintended consequences. Vague language could affect the natural resources and safety of the public.

Further, the Department recommends removing the effective date of July 1, 2016 to allow DCAB to adopt beach access guidelines and the Department and counties to provide access.

Lastly, the Department would require appropriations for capital improvement projects to provide accessible beach access for people with disabilities.

Thank you for the opportunity to respectfully submit this testimony on these resolutions.



HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

March 27, 2015
Rm. 325, 10:30 a.m.

To: The Honorable Kaniela Ing, Chair
and Members of the House Committee on Ocean, Marine Resources, & Hawaiian Affairs

The Honorable Ryan Yamane, Chair
and Members of the House Committee on Water & Land

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.C.R. No. 141 / H.R. No. 84

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

H.C.R. No. 141 and H.R. No. 84 request the Department of Land of Natural Resources and the Counties to provide reasonable accommodations for disabled persons to access beaches.

The HCRC supports H.C.R. No. 141 and H.R. No. 84. We note that our state public accommodations law, HRS chapter 489, does not require the reconstruction of any facility or part thereof to comply with its prohibition against discriminatory practices in public accommodations. However, HRS § 368-1.5 prohibits the exclusion from participation in, denial of the benefits of, or subjection to discrimination by state agencies or any program or activity receiving state financial assistance of any otherwise qualified individual because of his or her disability. Accordingly, state agencies and county programs or activities that receive state funds should not exclude persons with disabilities from participation in, denial of benefits of, or discrimination by programs and activities because of their disabilities. This prohibition against discrimination covers state and state-funded beach programs and activities.

STATE OF HAWAII
OFFICE OF VETERANS SERVICES
TESTIMONY ON HCR 141 & HR 84, REQUESTING THE DEPARTMENT OF
LAND AND NATURAL RESOURCES AND THE COUNTIES TO PROVIDE
REASONABLE ACCOMODATIONS FOR DISABLED PERSONS TO ACCESS
BEACHES

COMMITTEE ON WATER & LAND

AND
COMMITTEE ON OCEAN, MARINE RESOURCES, & HAWAIIAN AFFAIRS

March 27, 2015

Chairs Yamane and Ing, Vice-Chairs Cullen and Lowen, and respective
Members of both Committees,

I'm Ron Han, Director of the State Office of Veterans Services (OVS) and I
appreciate this opportunity to testify in support of HCR 141, HR 84 that urges
the Department of Land and Natural Resources and the Counties to provide
reasonable accommodations for disabled persons to access beaches.

Access to the shoreline for persons with a disability at any beach that has a
public restroom facility and is within an ocean recreation management area will
aid immeasurably for those in our community with special needs and our
physically challenged visitors who come to vacation in Hawaii from around the
world. For our disabled Veterans, being able to safely access the shoreline may
also be therapeutic and provide a venue that can be shared with family, friends,
and colleagues to help heal the physical, psychological, and emotional wounds
of combat and the rigors of military service.

The OVS supports the intent expressed in this resolution as long as its
implementation does not impact or replace the priorities set forth in the
Executive Budget.

Thank you for this opportunity to speak on behalf of Hawaii's Veteran
community.



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
919 ALA MOANA BOULEVARD, ROOM 113
HONOLULU, HAWAII 96814
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
March 27, 2015

The Honorable Ryan I. Yamane, Chair
House Committee on Water & Land
and
The Honorable Kaniela Ing, Chair
House Committee on Ocean Marine Resources
& Hawaiian Affairs
Twenty-Eighth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Representative Yamane, Representative Ing, and Members of the Committees:

SUBJECT: HCR 141/HR 84 - REQUESTING THE DEPARTMENT OF LAND
AND NATURAL RESOURCES AND THE COUNTIES TO
PROVIDE REASONABLE ACCOMMODATIONS FOR DISABLED
PERSONS TO ACCESS BEACHES

The State Council on Developmental Disabilities (DD) **SUPPORTS THE INTENT OF HCR 141/HR 84.** The resolutions request that the Department of Land and Natural Resources and the Counties that maintain beach transit corridors to provide reasonable accommodations for access to the shoreline for persons with a disability at any beach that has a public restroom facility and is within an ocean recreation management area.

The Council respectfully recommends that the following be amended to reflect people-first language:

1. The title of the resolutions to state, REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE COUNTIES TO PROVIDE REASONABLE ACCOMMODATIONS FOR ~~[DISABLED]~~ PERSONS WITH DISABILITIES TO ACCESS BEACHES.
2. Page 1, lines 4-6: WHEREAS, beach access for ~~[the disabled]~~ persons with disabilities, including veterans, is extremely limited, especially for those who are wheelchair-bound; and

The intent of these resolutions seems to address accessibility in public accommodations. The Disability and Communication Access Board (DCAB) is responsible for providing technical assistance regarding the Americans with Disabilities Act (ADA) to State and County Government agencies, as well as private businesses. As such, the Council respectfully defers to DCAB for any proposed amendments they

The Honorable Ryan Yamane
The Honorable Kaniela Ing
Page 2
March 27, 2015

may have that would strengthen these resolutions regarding reasonable accommodations for persons with disabilities to access beaches, as well as being consistent with ADA.

Thank you for the opportunity to submit testimony **supporting the intent of OF HCR 141/HR 84.**

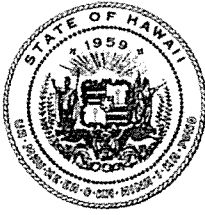
Sincerely,



Waynette K.Y. Cabral, M.S.W.
Executive Administrator



Rosie Rowe
Chair



DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

March 27, 2015

TESTIMONY TO THE HOUSE COMMITTEES ON OCEAN, MARINE RESOURCES, AND HAWAIIAN AFFAIRS, AND WATER AND LAND

House Concurrent Resolution 141/House Resolution 84 – Requesting the Department of Land and Natural Resources and the Counties to Provide Reasonable Accommodations for Disabled Persons to Access Beaches

The Disability and Communication Access Board (DCAB) supports the intent of House Concurrent Resolution 141 and House Resolution 84 to increase access to persons with disabilities to Hawaii's beaches.

Accessible design has evolved in its standards and design guidelines from indoor buildings and facilities to outdoor recreation areas, public rights-of-way, and other features of the exterior environment.

We offer some suggestions to the resolution as follows:

- (1) Change the title to read as follows: "Requesting the Department of Land and Natural Resources and the Counties to Provide Beach Access for People with Disabilities in Hawaii". Under the Americans with Disabilities Act, the term "reasonable accommodation" is used in employment and prompts individualized assessment of the person that is not warranted in this situation.
- (2) Page 1, line 4, in the second "Whereas" change the verbage to read: "Whereas, beach access for people with disabilities, including veterans, is extremely limited, especially for those with mobility limitations." The term "wheelchair-bound" in the Resolution is politically incorrect and should be replaced with "wheelchair user."
- (3) Page 1, line 22, change the wording in "Be it resolved" to read: "Be it resolved by the House of Representatives of the Twenty-eighth Legislature of the State of Hawaii, Regular Session of 2015, that the Department of Land and Natural Resources and the counties are requested to provide beach access to the shoreline for persons with a disability at beaches that have a public restroom facility or are in an ocean management area." This amended language is suggested for reasons similar to (1) above.

- (4) Add a "Further, be it resolved that the Department of Land and Natural Resources and the counties are requested to assess those beaches that have a public restroom facility or an ocean recreation management area as to their accessibility to persons with disabilities with recommendations for improved access, considering the topography and physical characteristics of the beach. This a more realistic objective by June 2016.

This resolution arose as a result of a specific situation at Kapalua Bay where a beach that was once accessible via a hotel is now inaccessible. That situation is unresolved and has raised the issue of beach access statewide; hence, this resolution.

For a State such as Hawaii, the beach is not only the focal point for leisure of residents and visitors, but it is also the host location for many recreational activities that receive a state or county permit to operate activities such as tours and beach weddings. These are activities to which the general public is invited and should be inclusive of persons with disabilities.

DCAB is willing to assist with this effort through the examination of appropriate beach access design guidelines.

Thank you for the opportunity to testify.

Respectfully submitted,



BARBARA FISCHLOWITZ-LEONG
Chairperson
Legislative Committee

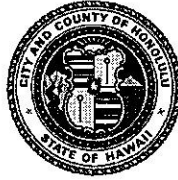


FRANCINE WAI
Executive Director

DEPARTMENT OF PARKS AND RECREATION
CITY AND COUNTY OF HONOLULU

1000 ULUOHIA STREET, SUITE 309 • KAPOLEI, HAWAII 96707
Phone: (808) 768-3003 • FAX: 768-3053 • Internet: www.co.honolulu.hi.us

KIRK CALDWELL
MAYOR



MICHELE K. NEKOTA
DIRECTOR

THE HOUSE OF REPRESENTATIVE
THE TWENTY-EIGHT LEGISLATURE
REGULAR SESSION 2015

COMMITTEE WATER & LAND
Representative Ryan I. Yamane, Chair
Representative Ty J.K. Cullen, Vice Chair
Members of the Committee

H.R. 84 and H.C.R NO. 141: REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND
THE COUNTIES TO PROVIDE REASONABLE ACCOMMODATIONS FOR DISABLED PERSONS TO ACCESS
BEACHES.

Friday, March 27, 2015, at 10:30 a.m.
State Capitol, Conference Room 325

**In Opposition of H.R 84 and HCR. NO 141, Requesting the Department of Land and Natural Resources and
the Counties to provide reasonable accommodations for disabled persons to access beaches.**

Dear Chair Yamane, Vice Chair Cullen, and Members of the Committee:

The Department of Parks and Recreation (DPR), City and County of Honolulu, opposes H.R. 84 and H.C.R. 141, as it is written. DPR supports the intent of the Resolution to make our beaches accessible to people with disabilities.

DPR provides All-Terrain Wheelchairs and beach mats to form an access pathway for some of our beaches. We have found that the use of mats at many of our beaches is not feasible due to the fluctuation of the sand. Chair storage has become an issue along with the availability of staff to lend out the chairs and to receive them back.

DPR is a member of the Disabilities and Communication Access Board (DCAB) and from our understanding DCAB will work with DNLR and the four counties to define the terms, develop scoping requirement for beach access and develop technical requirement for beach access.

Thank you for the opportunity to submit comments on H.R. 84 and HCR No. 141.

Sincerely,

A handwritten signature in black ink, appearing to read "Michele K. Nekota", is written over a circular stamp. The stamp contains the text "CITY AND COUNTY OF HONOLULU" and "STATE OF HAWAII".

(for) Michele K. Nekota
Director, Department of Parks and Recreation

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 25, 2015 5:41 PM
To: omhtestimony
Cc: louis@hawaiidisabilityrights.org
Subject: Submitted testimony for HCR141 on Mar 27, 2015 10:30AM

HCR141

Submitted on: 3/25/2015

Testimony for OMH/WAL on Mar 27, 2015 10:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Louis Erteschik	Hawaii Disability Rights Center	Comments Only	No

Comments: We believe this is an important issue. Hawaii has lagged behind many other places when it comes to beach access for individuals with disabilities. We believe the law suggests that these individuals are entitled to the use and enjoyment of these resources and we would like to see the state make progress on this issue.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

LATE

From: Beverly Galarza <beverlygalarza@gmail.com>
Sent: Thursday, March 26, 2015 1:12 PM
To: Rep. Kaniela Ing; Rep. Nicole Lowen; repyamane@Capitol.hawaii.gov; Rep. Ty Cullen; Rep. Cynthia Thielen
Subject: Committee Hearing set for Friday, March 27, 2015 @ 10:30 a.m. - HCR141/HR84 - Beach Access
Attachments: TestimonyHCR141.HR84.txt; FSCN0058.JPG; DSCN6918.JPG

To the Honorable Representatives and Members of the Committee hearing HCR 141/HR84 - Beach Access

It has been recommended that I send attachments to our testimony regarding HCR141/HR84, by way of email to the Committee.

My testimony is attached as well. We've included two photographs to help illustrate the barriers a person faces who cannot navigate stairs or is a wheelchair user and desires to participate in program access and recreational opportunities at Kapalua Bay, her beach park, and "for public benefit" coastal trail. This is our neighborhood beach. This entrance serves as the main public entrance to all of these programs as well as places of public accommodation along the paved portions of the Kapalua Coastal Trail.

The little girl in the photo is Faith Walker from Alaska. She's with her dad. The other photo of the fellow in wheelchair is Tim Daynes from Utah. This adorable couple come to Maui and the gentleman is Tim's dad who had recently had back surgery. Tim is a rehabilitation counselor with the State of Utah. He also gave me permission to share this photo and advocates for equal access. He felt the lack of access was very purposeful. And it is.

A year or so ago, Tim Daynes reduced to writing the experience he had trying to get to Kapalua Bay. Over the course of almost six years, we have many documents supporting why access should have already been provided.

Without enforcement of civil rights laws, there is no real incentive for those who must follow the law to do so.

Thank you in advance for your consideration of HCR141/HR84.

Respectfully submitted,

Beverly J. Galarza in behalf of my son, Steven, and others who want equal access to our beaches



From: Beverly Galarza <beverlygalarza@gmail.com>
Sent: Thursday, March 26, 2015 2:30 PM
To: Rep. Kaniela Ing; Rep. Nicole Lowen; Rep. Ryan Yamane; Rep. Ty Cullen; Rep. Cindy Evans; Rep. Chris Lee; Rep. Scott Nishimoto; Rep. Calvin Say; Rep. Feki Pouha; Rep. Cynthia Thielen; Rep. Sylvia Luke
Subject: HCR141/HR84 - Beach Access - Hearing set tomorrow, Friday, March 27, 2015 - Last Attachment to accompany testimony
Attachments: Kapalua by Rusty.jpg; Kapalua by Rusty5.jpg

To the Honorable Representatives and Members of the Committees hearing HCR141/HR84 - Beach Access

We are attaching two photographs of our neighborhood beach, Kapalua Bay to accompany our testimony.

The purpose of the photos is for the benefit of those Representatives who may not be familiar with Kapalua Bay, known for having the calmest waters in West Maui. It is one of the primary reasons for advocating for equal access to this particular neighborhood beach.

PBR Hawaii Consulting described Kapalua Bay in its 2003 study done for Hawaii Tourism Authority, as being ideal for those with physical disabilities and the recommendation in 2003 that Kapalua Bay be made accessible.

Thank you for your consideration.

Respectfully,

Beverly Galarza in behalf of my son, Steven, and others



March 25, 2015

The Honorable Ryan I. Yamane, Chair
House Committee on Water & Land
and
The Honorable Kaniela Ing, Chair
House Committee on Ocean Resources & Hawaiian Affairs
Twenty-Eighth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Representative Yamane, Representative Ing, and Members of the Committee

Re: HCR 141/HR84 - Requesting the Department of Land and Natural Resources and the Counties to Provide Reasonable Accommodations for Disabled Persons to Access Beaches

My name is Beverly Galarza. I am in STRONG SUPPORT of HCR141/HR84.

Thank you for the opportunity to submit testimony in support of HCR 141/HR84, in behalf of my son, Steven Galarza. I am Steven's mom and legal guardian. We need this Committee's help in guiding others to come together to find a way to provide equal access to all to beaches described in HCR141/HR84.

I am also here for the individuals and families we've met over the course of nearly six years - since June of 2009, who strongly support equal access to our beach programs as well.

Our hope is that when you hear the example of just one single beach in Hawai'i that would fit the beaches described in HCR141/HR84, each member will concur that passing HCR141/HR84 will help facilitate accessibility to similar beaches, beach parks, and where other opportunities of beach activities and recreation are occurring.

In late 2008, I purchased property in Maui. Our neighborhood beach is Kapalua Bay. Years ago, it was called just Flemings. It was renamed Kapalua Bay, after the old Kapalua Bay Hotel was torn down and new development came in. Ironically, when they tore down the hotel, they also took away the existing accessible route to the beach.

The following is just a few of the program opportunities Kapalua Bay has to offer:

Kapalua Bay has been named number one beach in the world. Kapalua Bay has been rated in the top 10 Beaches in America. On a local television station which provides visitors and others information on activities to participate in while on Island of Maui, Kapalua Bay is promoted as a beach for the "entire family". Ideal for little ones because of the known calm waters at Kapalua Bay.

Kapalua Bay has restroom facilities, showers, and a water fountain at its main entrance. A modest size public parking lot is provided for the shoreline, beach park, and coastal trail. A large map of the for public benefit coastal trail helps direct those accessing these program opportunities. Dogs are invited to come along, except for some areas which are protected because of nesting Seabirds.

Kapalua Bay is the second most permitted beach in Maui for beach weddings. With his permission, Mr. Steve Molmen, Supervising Land Agent, Land Division of Hawaii Department of Land and Natural Resources, said I could share with this Committee that DLNR's statistics show that just from the period from March 1, 2013, to February 28, 2015, a total of 1,560 access permits were issued for Kapalua Bay. The largest percentage over 95% are for beach weddings and the remaining percentage he said are typically marriage renewals. Mr. Molmen pointed out that some have suggested so many weddings are taking place at Kapalua, some feel it's getting a bit crowded at the beach.

The rules that accompany these permits provide for certain accommodations for individuals with physical disabilities who may need chairs on the state lands while they are using these paid for permits. There is a built-in assumption from the rules which suggest a person with physical disabilities can actually get to the public beach so the accommodation in the rules can occur.

There is a beach activity center on Kapalua Bay. The general public can rent chairs and umbrellas. Snorkel gear can be rented. Kayak tours taken, SUP lessons, and other recreational activities.

Maui whales come through this channel across Kapalua Bay in winter. Rainbows appear over Kapalua Bay in the mornings. People gather for sunsets at night. There are places of public accommodation along the paved portions of the for public benefit Kapalua Coastal Trail.

Kapalua Bay is one of the most beautiful beaches in West Maui and in our neighborhood. The problem? Not one single accessible route if you cannot navigate stairs or are a wheelchair user. Zero. If you cannot navigate stairs or are a wheelchair user you do not see the beach park. You do not see the sandy beach. You do not see nor feel the sand nor ocean waters. Many are stuck in the parking lot and are excluded. My son, Steven, is one of millions of Americans who cannot safely navigate stairs, even with my assistance now. Steven is now an adult male and has very, very poor balance. He was born with significant developmental disabilities, all neurologically related. It is physically impossible for me to haul him in his wheelchair up and down stairs, nor can I safely try and get him to navigate the stairs with his depth perception, uneven gait, and poor balance. Steven does love to look at the ocean waves and our Maui whales.

I was told by the U.S. Access Board in 2009, that if persons are recreating on the sandy beach, our public beach, Steven should be able to be sitting on that same sandy beach like anyone else. We all just need to work towards providing the access so he can equally participate like anyone else. Period.

I'm certain this Committee knows the statistics on tourism, but a study last year showed that the number one activity those who live and visit the State of Hawaii is: Go to the beach! Percentage was broken down by island. O'ahu 90%, Big Island 94%, Maui & Kaua'i both 97%. Both residents and visitors who come and who may not be able to navigate stairs or other barriers want to go to the beach as well.

From a tourist and economic standpoint, Hawaii does the best job of any state in persuading people to come from all over the world for a visit. When we invite someone to come, they should actually be able to get to where they are invited.

We've met people from all over the world trying to get past the staircases at Kapalua Bay. All want and had an expectation of equal access. From the neighbor who lives in Napili Hau who played at Flemings/Kapalua Bay as a child and is now a wheelchair user as an adult who can't take his daughter to his childhood beach because of human barriers, to a former naval officer who recently passed away from ALS whose goal was to get into the calm ocean waters at Kapalua Bay because he said he could feel the energy from the sea life and that it made him feel good. His name was Ford Mudgett from San Diego. He had family ties to Hawai'i. He also used to swim on a relay team and said they would swim 10 miles across from Lana'i to Ka'anapali. He wanted in the ocean - not a parking lot. And his goal was not to sit in a corner on a platform watching others. He could still swim, he just needed barriers removed so he could get there. Ford gave me permission to share his story with anyone we needed to in order to help gain access for all. I've kept his vision and goal of access into the calm waters at Kapalua Bay in my heart as we continue to advocate for equal access to beaches such as Kapalua Bay. We also met a young girl from Alaska. Approximately 10 years old. She comes every year with her family. She uses a walker to get to where she wants to go. I met her as the family was trying to come down the staircase at the public parking lot. Her name is Faith. Faith Walker. Faith gave us permission to share her picture and wanted to help advocate for equal access. Her dad carried her down the staircase for safety reasons. We have photographs of this entrance I will try to attach to our testimony.

In 2003 the State of Hawai'i Tourism Authority contracted PBR Hawaii, a Honolulu Consulting firm, to do studies on certain beaches in the state. A vice president from PBR Hawaii advised me that not all beaches were studied, just certain ones.

The reason for the study was two-fold. In 2003, the Transient Accommodation Tax was coming down the pike and in the regulations that come along with TAT, a certain percentage of the tax was to be set aside "specifically" for beach park improvements. The beach parks could be any beach park, it did not have to be specifically state, private, or county operated. And, within the criteria of using the money for beach park improvements, the priority was accessibility. ADA accessibility. So, the 2003 study, which is hundreds of pages in length, included a study of Kapalua Bay. The study captured whether any of the beaches in the study needed ADA access. PBR Hawaii's study captured the lack of ADA access to this popular beach and it was PBR's recommendation that the state partner up with the then hotel to provide access. PBR Hawaii noted in its study that Kapalua Bay is known for its calm waters and that it would be ideal (believe is the word they used) for those with physical disabilities or limitations.

In July of this year - 2015, our nation will be celebrating the 25th year Anniversary of the passage of the Americans with Disabilities Act.

As this Committee well knows, we have millions of Americans with disabilities. Some of these individuals have served our country and because of their service are now dependent on others to follow the spirit of our civil rights laws to ensure equal access to home, work, and play.

Recently, DLNR has implemented a rule where permits must be sought for certain business activities occurring on public beaches. The underlying reason given was some in the community were being kept from favorite surfing breaks. And, now we're hearing some are getting a bit concerned over certain beaches being crowded at beach weddings. DLNR has taken action in the first instance.

My hope is that this Committee and the State of Hawai'i will hear the raised voices saying we're being excluded and we want equal access to even get to these same beaches others can access without giving any thought to access whatsoever. I can't help but wonder what most residents and visitors would think if the State of Hawaii closed its beaches for even a month to everyone. No one goes unless all can go. It doesn't take much of an imagination how that might play out. What if you couldn't go to your neighborhood beach for over 6 years but hundreds of others went every moment of the day? And the only reason was a human made barrier and someone purposefully chose not to provide another way for you to have equal access as required by civil rights laws?

My hope is that with HCR141/HR84, this Committee will encourage and invite participation by those who have known expertise in the latest best practices, as well as new guidelines for beaches on federal lands which others may wish to use as a guide. DCAB as well as other experts are available, including the National Center on Accessibility at Indiana University, who have provided guidance to National Parks Service. We would respectfully ask this Committee should it determine a working group would be appropriate that persons HCR141/HR84 is intended to provide equal access to beaches be included. "Nothing about us without us".

We thank the Committee members once again for providing us with an opportunity to advocate for equal access to our neighborhood and community beaches and ask that each of you agree to the passage of HCR141/HR84.